

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 J. DOUGLAS WILSON (DCBN 412811)
3 Chief, Criminal Division

4 DAVID R. CALLAWAY (CABN 121782)
5 Assistant United States Attorney

6 150 Almaden Boulevard, Suite 900
7 San Jose, California 95113
Telephone: (408) 535-5596
FAX: (408) 535-5066
Email: David.Callaway@usdoj.gov

8 Attorneys for United States of America

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) NO. CR 09-00341 RMW
14 Plaintiff,) GOVERNMENT'S MOTION TO DISMISS
15 v.) INDICTMENT AGAINST A CORPORATE
16 FU-TAIN LU,) DEFENDANT THAT WAS NEVER PROPERLY
17 FUSHINE TECHNOLOGY, INC., and) SERVED AND IS CAUSING THIS CASE TO
18 EVERJET SCIENCE AND TECHNOLOGY) LANGUISH ON THE COURT'S DOCKET;
19 CORPORATION,) ORDER []
Defendants.) Before The Honorable Ronald M. Whyte

)

20
21 The government respectfully seeks leave from this Court to dismiss the captioned indictment
22 against Everjet Science and Technology Corporation, a company that is—or at least was—
23 headquartered in the People's Republic of China. The government had intended to litigate whether
24 service on Everjet's founder, Fu-Tain Lu, was tantamount to service on the company itself, but the case
25 resolved and the issue became moot. The undersigned having recently been informed that the pending
26 charges are causing this case to languish on the Court's docket, the government respectfully moves to
27 dismiss the indictment against Everjet only, and also humbly apologizes for taking so long to wrap up
28 this loose end.

MOTION TO DISMISS (CR 09-00341 RMW)

1 DATED:

Respectfully submitted,

2 MELINDA HAAG
3 United States Attorney

4 / s /
5 DAVID R. CALLAWAY
6 Assistant United States Attorney

7 ORDER

8 Upon request by the government, and good cause appearing therefor,

9 IT IS HEREBY ORDERED that the captioned indictment against defendant Everjet Science and
Technology Corporation is DISMISSED.

10 Date: 1-10-15

11 
12 RONALD M. WHYTE
13 United States District Judge